



Appl. No. 09/963,858  
Amtd. dated April 26, 2004  
Reply to Office Action of March 25, 2004

PATENT

### REMARKS/ARGUMENTS

Applicants have received a *Bona Fide* Attempt Letter from the Examiner. The Letter was sent in relation to Applicants' Election of Species in the Response to the Restriction Requirement which was filed on February 17, 2004. In the Letter, the Examiner claims that Applicants failed to elect a single disclosed species for R<sup>6</sup> since the term "therapeutic agent" is generic.

In response, Applicants elect DNA as the therapeutic agent. The election of DNA is readable upon claim 8 and its dependent claims 9-23.

### CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "T. Esker".

Todd Esker  
Reg. No. 46,690

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